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REMARKS

Applicants have amended Claim 35. The amendment adds no new matter and is fully supported by the Specification. Claims 24-29, 31-34, 36-41 and 44-46 have been withdrawn in response to a restriction requirement.

Rejection under 35 U.S.C. §102

The Examiner has maintained the rejection of Claim 35 under 35 U.S.C. 102(b) as being anticipated by Sheppard (WO 98/45442), as evidenced by Kreitman (Exp. Op. Pharmacother., 2000, 1:1117-1129).

The Examiner points out that the scope of the claim does not require that the antibody bind to the recited epitope. Applicants have amended the language of Claim 35 to indicate that the claimed immunoconjugate "comprises an isolated antibody, or fragment thereof,(which) specifically binds to a polypeptide sequence selected from the group consisting of (a) amino acid 28 to amino acid 46 of SEQ ID NO: 2;.....". Support for this amendment can be found in the Specification on page 42, lines 5-14. The amended claim specifies that the antibody bind to the recited polypeptide sequence and Applicants believe that the amended claim addresses the Examiner's concerns.

In view of the amendment to Claim 35, Applicants respectfully request the withdrawal of the rejection of Claim 35 under 35 U.S.C. §102 (b).

Provisional Double-Patenting Rejections

The Examiner has provisionally rejected Claim 35 under the doctrine of obviousness-type double patenting as being unpatentable over Claim 26 of co-pending Application Nos. 10/624,884 and 10/895,183. Applicants are not aware of any claims having been allowed in either of these applications.

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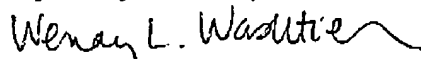
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Conclusion

Applicants respectfully submit that with the submission of newly amended Claim 35 and the arguments presented above, the application is now in condition for allowance. Such action is solicited at an early date.

We believe no fee is due, however, the Commissioner is hereby authorized to charge deposit account 02-2117 for any fees necessary to facilitate processing of this application. This is not, however, authorization to charge the issue fee. Two copies of this paper are enclosed for this purpose.

Respectfully submitted,



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Date: February 10, 2006

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